

# DOCKET SECTION

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

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POSTAL RATE AND FEE CHANGES, 1997

DOCKET NO. R97-1  
U.S. POSTAL SERVICE SECRETARY

MOTION TO COMPEL RESPONSES TO DBP/USPS INTERROGATORIES AND TO

ACCEPT LATE FILINGS IF NECESSARY

November 20, 1997

Respectfully submitted,



DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

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1. Subpart a of DBP/USPS-19 asked for two numbers, namely the total revenue and expenses related to sales of philatelic products, for each of the past ten years. The last sentence of the response states that I should make a trip to Washington to examine the Comprehensive Statement on Postal Operations. There is no specific reference as to where in this Statement the requested data appears. Providing twenty numbers does not appear to be burdensome to the Postal Service. I move to compel a response to my original interrogatory.
  2. Subpart o of DBP/USPS-52 asked for an explanation as to why the rate was not considered. All that was provided was a simple statement that it was not considered without any reason being given. I move to compel a response to my original interrogatory.
  3. Subpart a of DBP/USPS-58 asked the Postal Service to explain their response if they were unable to confirm the statement. The only response that I received was "Not confirmed." I move to compel the response which will indicate why they were unable to confirm my interrogatory statement.
  4. Subpart d of DBP/USPS-58 promises further research. The Postal Service has been aware of this request for some 2-1/2 months now. There is no indication any

reasons why this information was not timely filed nor when it will be available. I move to compel a response in an expeditious manner.

5. Subpart k of DBP/USPS-58 requested copies of the tests conducted for lost revenue over the past five years. These were not provided. I move to compel their production [including providing me with a copy without having to make a trip to Washington].

6 Subpart n of DBP/USPS-6 requested information on the value of collection schedules. The Postal Service response states that it would not be possible to respond without conducting a survey. If a survey is necessary, then a survey should be conducted. This information is required to evaluate the level of service being provided to the mailing public. I move to compel a response to the interrogatory which provides the requested information.

7. Subpart r of DBP/USPS-6 requested the Postal Service to respond as to whether a specific condition would meet the requirements of two specific sections of the POM. The response indicated that they would have to judge it on its own merits. I move to compel a response to the interrogatory which answers a very straight forward question.

8. Subparts l and m of DBP/USPS-7 asked for any changes which have been made in the delivery standards since Docket N89-1. The response was, "No changes of national significance have taken place." The answer was not responsive to my interrogatory. I move to compel a response to the original interrogatory. The changes that have been made would then be available for me to use in my brief and for the Commission to consider the extent to which they are significant. The Postal Service should not be permitted to unilaterally define "national significance".

9. Interrogatory DBP/USPS-33 made a number of specific requests. Subpart g asked, among other things, why the practice was terminated. The response fails to

indicate the reason why it was terminated. Subparts h and i asked specific questions asked the quality of service of Return Receipts. These questions were not responded to. I move to compel responses to the original interrogatories [without reference to previous Dockets unless the data is provided as part of the response].

10. The Postal Service has objected to responding to DBP/USPS-88. The fact that the witness may have made a similar statement in his testimony or other response, does not eliminate the applicability of the rule which allows follow-up interrogatories. If the statement is made, then it is open to timely follow-up. I move to compel a response, or in the alternative, to accept the late filing.

11. I have yet to receive responses to all of my outstanding interrogatories. A response has not been received to DBP/USPS-69, 70, and 71 along with those made at the hearing. The three interrogatories were filed on October 7 and responses were due October 21 - almost a month overdue.

12. On Page 5 of Ruling R97-1/53, the Presiding Officer stated that I could articulate the necessity of responding to parts of Interrogatories 10, 11, and 12. These interrogatories were utilized to attempt to determine the level of service that exists for Express Mail. Interrogatories 10 and 11 attempt to show that the level of service which is claimed by the Postal Service does not in fact exist. For example, if I have an Express Mail article for a post office in Alaska that receives mail only one day a week, and I go into the local Post Office on a Monday, I will be told that the article will be delivered on Wednesday. Since the only flight in is on a Monday, how can it be delivered on Wednesday? While the overnight delivery area may be limited to offices which can be reached on time, the second day delivery area is by default rather than by design. Interrogatory 12 attempts to determine the delivery methods for Express Mail so that it is possible to determine the extent to which the Postal Service has a delivery standard that matches or exceeds that of the recently eliminated Special Delivery. One of the reasons used to justify the elimination of Special Delivery was the availability of

Express Mail. For these reasons, I move to compel a response to the three interrogatories. The primary thrust of these interrogatories is service related and not related to the details of the operation of the Postal Service.

13. For the reasons stated above, I move to compel the Postal Service to respond to the indicated interrogatories. It would appear that one of the main purposes in this Docket is to establish a full and truthful record. In order to achieve this, shouldn't all of the participants be required to respond in a manner which goes beyond being just truthful [namely, does not contain any false statement] and is one which tells the whole truth. Based on the items above, it would appear that the Postal Service is attempting to avoid answering questions and hoping that I will ignore the "non-answer". My rights, as an individual intervenor, should not be reduced or the burden of participating should not be increased by the failure to provide appropriate responses.

14. To the extent that any extension of time is necessary, I so move based on, among other things, the failure to promptly receive Postal Service and Commission filings.

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.



David B. Popkin      November 20, 1997

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